REMARKS/ARGUMENTS

This amendment is made in response to the Office Action dated March 18, 2009. Claims 21 and 22 are pending in the application.

The Examiner objected to the Specification as he contended it allegedly entered new matter. With the Amendment and arguments made herein, this objection will be traversed. With the amendment to the claims, any rejection due to the alleged entry of new matter is rendered moot.

Claims 21 and 22 are amended herewith. Claims 21 and 22 now provide that the struts are serpentine in shape, and that the struts have a turning radius associated therewith. Clear support for this amendment is found at, for instance, page 6, line 20 to page 7, line 10 of the Specification, and any of the drawings associated therewith. Therefore, any rejection under 35 USC 132 (a) is inappropriate.

To demonstrate the language of the claims, reference is made to the words "serpentine" and "turning radius" added to them by this amendment.

First, the word "serpentine":

ser·pen·tine[1]

1 [**sur**-*puh* n-teen, -tahyn] ***adjective, noun, verb, -tined, -tin·ing.*** ***–adjective***

1. of, characteristic of, or resembling a serpent, as in form or movement.
2. having a **winding course**, as a road; **sinuous**.
3. shrewd, wily, or cunning.

–noun

4. a device on a harquebus lock for holding the match.
5. a cannon having any of various bore sizes, used from the 15th to the 17th century.
6. *Skating*. a school figure made by skating two figure eights that share one loop.

–verb (used without object)

7. to make or follow a winding course: *The stream serpentines through the valley.*

[1] Found at www.dictionary.com, definition of "serpentine" (Emphasis added.)

Origin:
1350–1400; ME (adj.) < L *serpentīnus* snakelike, equiv. to *serpent-* SERPENT + *-īnus* INE.[1]

Synonyms:
***2.* twisting, snaking, tortuous.**

Then, the term "turning radius:"

The **turning radius** or **turning circle** of a vehicle is the radius of the smallest circular turn (ie. U-turn) that the vehicle [note: here, the strut]is capable of making. It is often used as a generalized term rather than a numerical figure. For example, a vehicle with a very small turning radius may be described as having a "tight turning radius".[2]

With these definitions in mind, it is seen that, indeed, from the specification, it is clear that the struts must be "twisting" (i.e., serpentine) with circular turns therein (i.e., a turning radius.) Accordingly, there is strong support for this from the specification, and the Examiner's requirement of removal of the previous amendment is traversed.

Claims 21 and 22 were rejected under 35 USC § 102(b) as anticipated by, or in the alternative under 35 USC § 103(a) as obvious over the Kleshinski reference, U.S. Patent 5,746,765. With the current amendments, this rejection is not appropriate. Kleshinski certainly does not describe a "twisting" set of struts with a turning radius. So. any rejection under 35 USC 102 is not appropriate. Moreover, since some of the struts of Kleshinski are clearly straight, they certainly do not describe a "turning radius," but rather, a straight line. This, it would not be obvious to the reader of Kleshinski to create a stent having serpentine struts, after observing Kleshinski's straight struts. Accordingly, claims 21 and 22 are patentable over the cited art.

[2] Taken at www.reference.com

Applicants herewith petition for a one-month extension of time. Should additional fees be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/JJI0049USNP/PAC for any such fees.

Respectfully submitted,

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